

MESSAGE NO: 6224307 MESSAGE DATE: 08/11/2016

MESSAGE STATUS: Active CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐

SUB-TYPE: ADRV-Administrative Review

FR CITE: FR CITE DATE:

REFERENCE 6207307, 6209302
MESSAGE #
(s):

CASE #(s): A-552-802

EFFECTIVE DATE: 07/25/2016 COURT CASE #: 14-00258,14-00276

PERIOD OF REVIEW: 02/01/2012 TO 01/31/2013

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for certain frozen warmwater shrimp from the Socialist Republic of Vietnam exported by Minh Phu Group for the period 02/01/2012 through 01/31/2013 (A-552-802)

1. Message 6209302, dated 07/27/2016 and message 6209311, dated 07/27/2016, ordered the liquidation of certain entries of merchandise exported by Minh Phu Group, imported by or sold to Mseafood Corporation and other certain importers (as indicated on the commercial invoice or Customs documentation), and entered, or withdrawn from warehouse, for consumption during the period 02/01/2012 through 01/31/2013.

2. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of certain frozen warmwater shrimp from the Socialist Republic of Vietnam exported by Minh Phu Group, entered, or withdrawn from warehouse, for consumption during the period 02/01/2012 through 01/31/2013, entered under case number A-552-802-004, and not covered by message 6209302, dated 07/27/2016 or message 6209311, dated 07/27/2016, assess antidumping duties at the all-others rate in effect on the date of entry, unless paragraphs 3 and/or 4 below apply.

3. The preliminary injunctions in Tri Union Frozen Products, Inc. et al. v. United States (court numbers 14-00258 and 14-00276, consolidated under court number 14-00249) discussed in message 4322309, dated 11/18/2014 (as corrected by message 4332303, dated 11/28/2014) and message 4330312, dated 11/26/2014 remain applicable to the shipments from the exporters identified therein, other than the Minh Phu Group, that were entered, or withdrawn from warehouse, for consumption during the period 02/01/2012 through 01/31/2013. Accordingly, until further notice, continue to suspend liquidation of these entries until liquidation instructions are issued.

4. Additionally, the preliminary injunction in Tri Union Frozen Products, Inc. et al. v. United States (court number 14-00249), discussed in message number 4301302, dated 10/28/2014, is applicable to the shipments from the exporters identified in paragraph 2 above, that were imported by Tri Union Frozen Products, Inc., d.b.a. Chicken of the Sea Frozen Foods, a.k.a. Empress International Ltd; Mazzetta Company LLC; or Ore-Cal Corporation during, and that entered, or were withdrawn from warehouse, for consumption during the period 02/01/2012 through

01/31/2013. Accordingly, until further notice, continue to suspend liquidation of these entries until liquidation instructions are issued.

5. The notice of lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2 occurred on 07/25/2016, the date of message 6207307 notifying CBP of amended injunctions in court numbers 14-00258 and 14-00276 (consolidated under court number 14-00249). Unless instructed otherwise, for all other shipments of certain frozen warmwater shrimp from the Socialist Republic of Vietnam you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OV:IG.)

9. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party